

**In re: BRIDGESTONE/FIRESTONE, INC., ) Master File No. IP 00-9373-C-B/S**  
**TIRES PRODUCTS LIABILITY LITIGATION ) MDL NO. 1373**  
 \_\_\_\_\_ )  
**THIS DOCUMENT RELATES TO: )**  
 \_\_\_\_\_ )  
**ALL “FOREIGN ACCIDENT CASES” )**

This cause is before the magistrate judge on defendant Ford Motor Company's Motion to Compel Plaintiffs to Provide Access to Vehicles. The motion is fully briefed, and the magistrate judge, being duly advised, **GRANTS** Ford's motion for the reasons set forth below.

The magistrate judge understands the plaintiffs' position that Ford could have conducted all necessary inspection and non-destructive testing of the vehicles during its original round of

<sup>1</sup>Ford has addressed its motion to all of the so-called “foreign accident” cases in this MDL—that is, personal injury and wrongful death cases which involve accidents that occurred outside of the United States. It is not clear that Ford already has inspected the subject vehicle once in each foreign accident case, but to the extent that it has, it seeks to do so again.

inspections. The magistrate judge also is sensitive to the effort and cost that another round of inspections will entail. However, the magistrate judge determines that it was not unreasonable for Ford to conduct an initial inspection of the vehicles, for settlement or other purposes, with the expectation that its expert witnesses would conduct another inspection after it had obtained additional discovery from the plaintiffs and once the cases reached the expert discovery stage. It is also reasonable for Ford to bear the costs of arranging for access to the vehicles for this second round of inspections. The magistrate judge agrees with Ford, however, that if the plaintiffs wish to monitor the inspections, they should bear the expense of doing so.<sup>2</sup>

ENTERED this \_\_\_\_\_ day of May 2002.

---

V. Sue Shields  
United States Magistrate Judge  
Southern District of Indiana

---

<sup>2</sup>The magistrate judge notes that she has ordered that the subject tires in each of the MDL cases be sent to Firestone's facilities for inspection and non-destructive testing, and firmly believes that the plaintiffs' documentation of the condition of the tires before they are shipped to Akron is sufficient to protect them from any alteration that may occur while the tires are in transit or in Firestone's possession. The same is true for the subject vehicles, and the plaintiffs have no inherent right to be present while Ford conducts its inspections and testing. However, Ford has agreed to allow plaintiffs' counsel or their agents to monitor the inspections, at the plaintiffs' expense.

Copies to:

Victor Manuel Diaz Jr  
Podhurst Orseck Josefsberg & Eaton  
City National Bank Bldg Ste 800  
25 W Flagler Street  
Miami, FL 33130

William E Winingham  
Wilson Kehoe & Winingham  
2859 North Meridian Street  
P.O. Box 1317  
Indianapolis, IN 46206-1317

Mark Merkle  
Krieg Devault LLP  
One Indiana Square Suite 2800  
Indianapolis, IN 46204

Randall Riggs  
Locke Reynolds LLP  
201 N Illinois St Suite 1000  
PO Box 44961  
Indianapolis, IN 46244-0961

Thomas Stayton  
Baker & Daniels  
300 N. Meridian St. Suite 2700  
Indianapolis, IN 46204